

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

SCOTT D. MCCLURG, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	No. 4:12-CV-00361-AGF
MALLINCKRODT, LLC, et al.,	)	Lead Case
	)	
Defendants.	)	

**MEMORANDUM AND ORDER REGARDING  
BUTLER V. MALLINCKRODT LLC, NO. 4:18-CV-01701-AGF, ET AL.**

This matter is before the Court upon review of the parties’ proposed scheduling plans as set forth in ECF No. 771 and the attachments thereto, with respect to the following consolidated cases: *Butler v. Mallinckrodt LLC*, No. 4:18-cv-01701-AGF; *Koterba v. Mallinckrodt LLC*, No. 4:18-cv-01702-AGF; *Hines v. Mallinckrodt LLC*, No. 4:18-cv-01703-AGF; and *Walick v. Mallinckrodt LLC*, No. 4:18-cv-01704-AGF (collectively, the “*Butler* cases”). These proposed plans were submitted in response to the Court’s February 11, 2019 Memorandum and Order (ECF No. 769). The Court held a status conference on April 5, 2019, at which time the Court advised the parties that it would delay setting a schedule in these cases pending potential resolution of a larger group of earlier-consolidated cases.

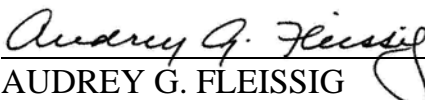
Now, upon careful consideration of the *Butler* parties’ scheduling proposals, the Court concludes that staggered pretrial proceedings related to common issues and to the individual plaintiffs’ claims is not the most efficient way to proceed with respect to the

*Butler* cases. Rather, in light of the much smaller number of plaintiffs involved, the Court agrees with the *Butler* plaintiffs that a single-tiered discovery plan best serves the letter and spirit of the Federal Rules of Civil Procedure.

However, in light of the delay in setting a schedule, the Court will ask the *Butler* parties to meet and confer and to submit a new joint-proposed scheduling plan in accordance with the guidance set forth above.

Accordingly,

**IT IS HEREBY ORDERED** that the parties in *Butler v. Mallinckrodt LLC*, No. 4:18-cv-01701-AGF; *Koterba v. Mallinckrodt LLC*, No. 4:18-cv-01702-AGF; *Hines v. Mallinckrodt LLC*, No. 4:18-cv-01703-AGF; and *Walick v. Mallinckrodt LLC*, No. 4:18-cv-01704-AGF, shall meet and confer in good faith, and shall file, within **14 days**, a joint proposed scheduling plan for the above listed cases that comports with this Memorandum & Order.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 4th day of June, 2019.